

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| MICHAEL MEYERS, <i>et al.</i> , |) | Lead Case No. 1:23-cv-12513-LTS |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| BHI ENERGY SERVICES, LLC, <i>et al.</i> , |) | |
| Defendants. |) | |
| |) | |

**JOINT STATUS REPORT AND STIPULATION FOR ENTRY OF
A CASE SCHEDULE REGARDING DEFENDANTS' PENDING MOTIONS**

Plaintiffs Michael Meyers, Daniel Muske, Gary Kaplan, Kim Wever, Joshua Pyfrom, Richard Deschamps, Lashawntae Washington, and Ted Melton (collectively, "Plaintiffs") and Defendants BHI Energy Services, LLC, and BHI Energy I Specialty Services, LLC (collectively, "BHI") submit the following Joint Status Report and Stipulation for Entry of Case Schedule and request that the Court approve the parties' stipulated case schedule as set forth herein. In support, the parties state as follows:

1. On December 23, 2023, Plaintiffs filed a Consolidated Class Action Complaint.

See Doc. No. 24.

2. On January 29, 2024, BHI filed a Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint (Doc. No. 26) and a Motion to Strike Class Action Allegations from Plaintiffs' Consolidated Class Action Complaint (Doc. No. 29).

3. Thereafter, the parties agreed to stay all case deadlines, including Plaintiffs' deadlines to respond to BHI's Motions to Dismiss and Strike, pending an agreed-upon mediation scheduled for June 13, 2024. *See Doc. Nos. 31, 33.*

4. The Court granted the parties' Joint Stipulation, stayed all case deadlines pending the mediation, and set a deadline of June 27, 2024 for the parties to report on the status of their mediation efforts. *See Doc. No. 34.*

5. On June 13, 2024, the parties attended an in-person formal mediation with mediator Bennett G. Picker, Esq. in Philadelphia, Pennsylvania.

6. Despite the parties' good faith efforts during the mediation, they were unable to reach an agreement to resolve the above-captioned consolidated actions.

7. While the parties remain open to continued negotiations, the parties agree and stipulate that the Court should lift the stay of the case deadlines and enter the following briefing schedule on BHI's Motion to Dismiss and Motion to Strike Class Allegations and/or, as applicable, deadlines for Plaintiffs to file an Amended Consolidated Class Action Complaint and for BHI to respond to any such Amended Consolidated Class Action Complaint:

- (a) If Plaintiffs file oppositions to BHI's Motions:
 - (i) Plaintiffs shall file their oppositions, if any, to BHI's Motion to Dismiss and Motion to Strike Class Allegations on or before August 26, 2024; and
 - (ii) BHI shall file its replies in support of its Motion to Dismiss and Motion to Strike Class Allegations on or before September 25, 2024.
- (b) If Plaintiffs file an Amended Consolidated Class Action Complaint, in lieu of filing oppositions to BHI's Motion to Dismiss and Motion to Strike Class Allegations:
 - (i) Plaintiffs shall file the Amended Consolidated Class Action Complaint on or before August 26, 2024;
 - (ii) BHI shall file an answer, motion, or other response to the Amended Consolidated Class Action Complaint on or before October 10, 2024;
 - (iii) If applicable, Plaintiffs shall file their opposition(s) to any motion or motions filed by BHI on or before November 25, 2024; and

- (iv) If applicable, BHI shall file its reply(ies) in support of any motion or motions on or before December 30, 2024.

WHEREFORE, the parties respectfully request that the Court endorse and approve this Joint Stipulation by lifting the stay of all litigation deadlines and entering the following schedule:

1. If Plaintiffs file oppositions to BHI's pending Motion to Dismiss the Consolidated Class Action Complaint and Motion to Strike Class Allegations from Plaintiffs' Consolidated Class Action Complaint:
 - (a) Plaintiffs shall file their oppositions, if any, to BHI's Motion to Dismiss and Motion to Strike Class Allegations on or before August 26, 2024; and
 - (b) BHI shall file its replies in support of their Motion to Dismiss and Motion to Strike Class Allegations on or before September 25, 2024.
2. If Plaintiffs file an Amended Consolidated Class Action Complaint, in lieu of filing oppositions to BHI's Motion to Dismiss and Motion to Strike Class Allegations:
 - (a) Plaintiffs shall file the Amended Consolidated Class Action Complaint on or before August 26, 2024;
 - (b) BHI shall file an answer, motion, or other response to the Amended Consolidated Class Action Complaint on or before October 10, 2024;
 - (c) If applicable, Plaintiffs shall file their opposition(s) to any motion or motions filed by BHI on or before November 25, 2024; and
 - (d) If applicable, BHI shall file its reply(ies) in support of any motion or motions on or before December 30, 2024.

SO ORDERED:

Dated: _____

Hon. Leo T. Sorokin
United States District Judge

Respectfully submitted,
PLAINTIFFS,
By their attorneys,

/s/ A. Brooke Murphy (w/permission)
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Respectfully submitted,
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BHI ENERGY I SPECIALTY SERVICES,
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* pro hac vice application forthcoming

LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned hereby certifies that counsel for the Parties have conferred regarding the issues presented in this joint stipulation and all Parties have assented to the relief requested herein.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on June 27, 2024.

/s/ Robert W. Sparkes, III

Robert W. Sparkes, III